

UNITED STATES COURTS

Judicial Council of The Eighth Circuit
P.O. Box 75428
St. Paul, Minnesota 55175
612-290-3311

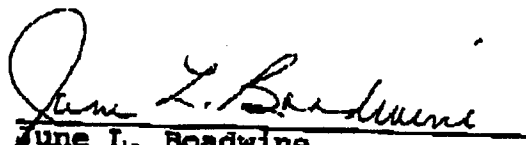
CIRCUIT EXECUTIVE

June L. Boadwine

Facsimile:
612-290-3309

EIGHTH CIRCUIT JUDICIAL COUNCIL

I hereby certify that the Eighth Circuit Judicial Council, on the 10th day of April, 1996, established a Bankruptcy Appellate Panel within the Eighth Circuit, pursuant to the attached Order, made a part hereof by reference.


June L. Boadwine
Circuit Executive

St. Paul, Minnesota
May 15, 1996

cc: Judicial Council Members
Administrative Office

Approval was given by the Eighth Circuit Judicial Council.

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JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

Order of the Judicial Council Establishing a Bankruptcy Appellate Panel

Pursuant to 28 U.S.C. § 158(b)(1), as amended by the Bankruptcy Reform Act of 1994, Pub.L. 103-394, October 22, 1994, 108 Stat. 4106, the Judicial Council of the Eighth Circuit hereby establishes a Bankruptcy Appellate Panel, effective for appeals from Bankruptcy Court orders and judgments entered on or after October 1, 1996.

As used herein, "Council" refers to the Judicial Council of the Eighth Circuit, and "panel" refers to the Bankruptcy Appellate Panel of the Eighth Circuit.

I. Establishment of the Bankruptcy Appellate Panel

(a) The panel may hear and determine appeals of orders and judgments from bankruptcy courts in those districts that have authorized the use of bankruptcy appellate panels pursuant to 28 U.S.C. § 158(b)(6).

(b) The panel may hear and determine only those appeals in which all parties to the appeal consent thereto pursuant to 28 U.S.C. § 158(c)(1).

II. Form and Time of Consent

Upon filing of the notice of appeal, the appeal shall be referred immediately to the panel. All parties to the appeal shall be notified of the filing and reference. Unless a party to the appeal files a written objection with the clerk of the panel within thirty days from the date of the filing of the notice of appeal, the parties will be deemed to have consented to the hearing and the disposition of the appeal by the panel pursuant to 28 U.S.C. § 158(b)(1).

III. Appointment of Bankruptcy Appellate Panel Judges

(a) The Council shall appoint six bankruptcy judges to serve as judges of the panel. The Council may also appoint bankruptcy judges to sit as pro tem members of the panel as the need arises. The term of a member of the panel shall be seven years and may be renewed.

(b) Criteria for appointment to the panel shall include: (1) a bankruptcy judge's willingness to serve; (2) an assessment of whether the judge's caseload is current; (3) the effect the appointment may have on the judge's court and docket; (4) the accuracy, clarity, consistency, and timeliness of the applicant judge's written opinions; (5) the judge's reputation for collegiality among peers and overall judicial temperament; and (6) the judge's tenure on the bankruptcy bench. The Council will also consider the representation on the panel of all districts within the circuit.

IV. Chief Judge

The Chief Judge of the Circuit shall appoint a chief judge of the panel, who shall serve as the chief judicial officer of the panel.

V. Staff of the Bankruptcy Appellate Panel

The Clerk of the United States Court of Appeals for the Eighth Circuit shall serve as clerk of the panel. The administrative offices of the panel shall be located in the circuit clerk's office in St. Louis, Missouri.

VI. Places of Holding Court

(a) The panel may conduct hearings at such times and places as it determines to be appropriate.

(b) Subject to availability, the panel is authorized to use courtrooms of the United States Court of Appeals in St. Louis, Missouri, St. Paul, Minnesota, Omaha, Nebraska, and Kansas City, Missouri, and courtrooms of the United States District Courts in all districts within the Eighth Circuit.

VII. Rules of the Bankruptcy Appellate Panel

Subject to review and approval by the Council, the panel shall promulgate rules, not inconsistent with the Federal Rules of Bankruptcy Procedure, governing practice and procedure before the panel.

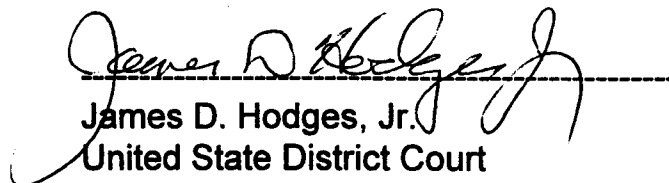
The appointee will be required to reside in or move to the Sioux City area within a reasonable period of time after appointment. The position entails some travel throughout the Northern District of Iowa.

A Merit Selection Panel composed of attorneys and other citizens of the Northern District of Iowa will review all applications, conduct such interviews as the panel deem necessary, and recommend to the judges of the district court in confidence the five persons whom it considers best qualified. The court will make the appointment of the Magistrate Judge following a Federal Bureau of Investigation and Internal Revenue Service investigation of the appointee. An affirmative effort will be made to give due consideration to all qualified candidates, including women and members of minority groups. The salary for the position is \$122,912.00 per annum.

Application forms and further information on the magistrate judge position may be obtained from the Clerk of the United States District Court, Federal Building, P.O. Box 74710, Cedar Rapids IA 52407.

Applications are to be submitted only by the potential nominee personally indicating the person's willingness to serve if selected and upon forms secured from the Clerk.

Completed applications must be returned to the Office of the Clerk of the United States District Court by July 15, 1996.


James D. Hodges, Jr.
United State District Court
Northern District of Iowa
Federal Building
P.O. Box 74710
Cedar Rapids IA 52407

